

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Cedillo

December 4, 2000

An act to amend Sections 1653.5, 12800, 12801, 12801.5, and 12801.8 of, and to add Section 15250.1 to the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Cedillo. Vehicles: social security number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number.

This bill would delete this requirement and would make related changes to reflect this deletion.

(2) Existing law requires the department to require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department.

This bill would revise these provisions to specify that if an applicant submits an affidavit signed under penalty of perjury, that he or she does not possess a social security number, and submits a taxpayer identification number, or other identifier, that is determined appropriate

by the department, the submission of those documents shall be acceptable to the department and shall be deemed the equivalent to providing a social security number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill also would require the department to require every applicant for an original driver's license or identification card, at the time of submission of the application, to establish his or her lawful immigration status or that the applicant's presence in the United States is authorized under federal law, as specified, or show, by documentation, as specified, that an application or petition for lawful immigration status or extension of legal presence, as specified, has been initiated on the applicant's behalf, or for another person whereby the applicant would be a derivative beneficiary.

The bill would require the department to issue a driver's license or identification card having a duration of 3 years to an applicant who does not have a social security number or is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service.

The bill would require the department to adopt implementing regulations.

(3) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, and prohibits the issuance of an original driver's license or identification card to any person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would repeal these provisions.

(4) In the case of a legal, nonimmigrant driver's license applicant, existing law requires the department to issue a temporary driver's license, valid for 90 days, under specified conditions, and provides for the adjustment of the expiration date.

This bill would delete a provision requiring the department to adjust the expiration date of the driver's license in a specified manner.

(5) Existing law provides for the issuance of a commercial driver's license by the department.

This bill would require an applicant for that license to include in the application the applicant's social security number to the extent that the



inclusion of that number is required in order to be in compliance with a specified federal regulation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1653.5 of the Vehicle Code is amended
2 to read:

3 1653.5. (a) Every form prescribed by the department for use
4 by an applicant for the issuance, renewal, or transfer of the
5 registration or certificate of title to a vehicle shall contain a section
6 for the applicant's driver's license or identification card number.

7 (b) Any person who submits to the department a form that,
8 pursuant to subdivision (a), contains a section for the applicant's
9 driver's license or identification card number shall furnish the
10 appropriate number in the space provided.

11 (c) The department shall not complete any application that does
12 not include the applicant's driver's license or identification card
13 number as required by subdivision (b).

14 SEC. 2. Section 12800 of the Vehicle Code is amended to
15 read:

16 12800. Every application for an original or a renewal of, a
17 driver's license shall contain all of the following information:

18 (a) The applicant's true full name, age, sex, mailing address,
19 and residence address.

20 (b) A brief description of the applicant for the purpose of
21 identification.

22 (c) A legible print of the thumb or finger of the applicant.

23 (d) The type of motor vehicle or combination of vehicles the
24 applicant desires to operate.

25 (e) Whether the applicant has ever previously been licensed as
26 a driver and, if so, when and in what state or country and whether

1 or not the license has been suspended or revoked and, if so, the date
2 of and reason for the suspension or revocation.

3 (f) Whether the applicant has ever previously been refused a
4 driver's license in this state and, if so, the date of and the reason
5 for the refusal.

6 (g) Whether the applicant, within the last three years, has
7 experienced, on one or more occasions, either a lapse of
8 consciousness or an episode of marked confusion caused by any
9 condition which may bring about recurrent lapses, or whether the
10 applicant has any disease, disorder, or disability which affects
11 ability to exercise reasonable and ordinary control in operating a
12 motor vehicle upon a highway.

13 (h) Whether the applicant understands traffic signs and signals.

14 (i) Whether the applicant has ever previously been issued an
15 identification card by the department.

16 (j) Any other information necessary to enable the department
17 to determine whether the applicant is entitled to a license under this
18 code.

19 SEC. 3. Section 12801 of the Vehicle Code is amended to
20 read:

21 12801. (a) (1) Notwithstanding any other provision of law,
22 the department shall require every application for a driver's license
23 to contain the applicant's social security number.

24 (2) If an applicant signs an affidavit under penalty of perjury
25 attesting that he or she does not possess a social security number
26 and submits a taxpayer identification number or other identifier,
27 that is determined to be appropriate by the department, the
28 submission of those documents shall be acceptable by the
29 department and shall be deemed the equivalent to providing a
30 social security number.

31 (b) Notwithstanding any other law, no information relating to
32 social security numbers collected on a driver's license application
33 shall be displayed on the driver's license, including, but not limited
34 to, inclusion on any magnetic tape or strip used to store data on the
35 license.

36 (c) (1) The department also shall require every applicant for an
37 original driver's license or identification card, at the time of
38 submitting the application, to do either of the following:

1 (A) Establish his or her lawful immigration status or that the
2 applicant's presence in the United States is authorized under
3 federal law.

4 (B) Show by documentation that an application or petition for
5 lawful immigration status or extension of legal presence has been
6 initiated by the applicant or by another person on the applicant's
7 behalf. For these purposes, the applicant may produce evidence to
8 the department that an application or petition for lawful
9 immigration status or extension of legal presence has been
10 initiated for another person whereby the applicant would be a
11 derivative beneficiary.

12 (2) For purposes of subparagraph (B) of paragraph (1),
13 documentation status may include any of the following:

14 (A) A receipt from the United States Immigration and
15 Naturalization Service stating that an application or petition has
16 been submitted.

17 (B) An approval notice from the United States Immigration
18 and Naturalization Service stating that an application or petition
19 has been received.

20 (C) An application for an extension of I-94 to extend an
21 applicant's legal presence.

22 (3) The following documents are acceptable applications or
23 petitions for purposes of subparagraphs (A) and (B) of paragraph
24 (2):

25 (A) Petition for Alien Relative (I-130).

26 (B) Immigrant Petition for Alien Worker (I-140).

27 (C) Petition for Amerasian, Widow(er), or Special Immigrant
28 (I-360).

29 (D) Application to Register Permanent Residence or to Adjust
30 Status.

31 (E) Immigrant Petition By Alien Entrepreneur (I-526).

32 (F) Application for Asylum (I-589).

33 (G) Registration for Classification as a Refugee (I-590).

34 (H) Application to Adjust Status from Temporary to
35 Permanent Resident (I-698).

36 (I) Application for Voluntary Departure Under the Family
37 Unity Program (I-817).

38 (J) Application for Temporary Protected Status (I-821).

1 (K) Nicaraguan and Central American Relief Act-Suspension
2 of Deportation or Application for Special Rule Cancellation of
3 Removal (I-881).

4 (L) Application for an extension of a I-94.

5 (d) Notwithstanding Sections 12814, 12814.5, and 13002 or
6 any other provision of law, an applicant who does not have a social
7 security number or is in the process of obtaining lawful
8 immigration status from the United States Immigration and
9 Naturalization Service shall be issued a driver's license or
10 identification card having a duration of three years.

11 (e) (1) Notwithstanding any other provision of law, neither the
12 department, nor its agents or employees, shall disclose any
13 information about an applicant's social security number, absence
14 of a social security number, or any other information collected
15 pursuant to this section, to any public or private entity, except as
16 permitted by federal or state law, nor shall the department, or its
17 agents or employees, differentiate in any manner, other than for
18 identification purposes, between applicants who do or do not have
19 a social security number.

20 (2) *Paragraph (1) does not apply to information described in*
21 *paragraph (1) that is disclosed by the department in response to*
22 *information requests from the Franchise Tax Board for the purpose*
23 *of tax administration and non-tax debt collection.*

24 (f) The department shall adopt regulations to carry out the
25 purposes of this section, including procedures for, but not limited
26 to, appeal hearings from denials of ~~driver~~ driver's licenses,
27 temporary ~~driver~~ driver's licenses, or identification cards.

28 SEC. 4. Section 12801.5 of the Vehicle Code is amended to
29 read:

30 12801.5. Notwithstanding Section 40300 or any other
31 provision of law, a peace officer shall not detain or arrest a person
32 solely on the belief that the person is an unlicensed driver, unless
33 the officer has reasonable cause to believe the person driving is
34 under the age of 16 years.

35 SEC. 5. Section 12801.8 of the Vehicle Code is amended to
36 read:

37 12801.8. (a) The department shall issue a temporary driver's
38 license, valid for 90 days, if the applicant has successfully
39 completed the application and the related requirements for the
40 issuance of a driver's license under this code, including

1 subdivision (a) of Section 12805. If the United States Immigration
2 and Naturalization Service is unable to verify the applicant's
3 presence before the temporary driver's license expires, the
4 department shall, at least 15 days before the temporary driver's
5 license expires, extend the temporary driver's license for an
6 additional 120 days and notify the applicant by mail that the
7 temporary driver's license is being extended.

8 (b) If the department adjusts the expiration date of any driver's
9 license issued pursuant to this code so that the date does not exceed
10 the expiration date of a federal document submitted pursuant to
11 paragraph (1) of subdivision (c) of Section 12801, the applicant
12 may, upon receipt of a notice of renewal of the driver's license by
13 the department sent prior to the expiration of the license, request
14 an extension of the term of the driver's license by submitting to the
15 department satisfactory proof that the applicant's presence in the
16 United States has been reauthorized or extended under federal law.

17 (c) The department shall establish a procedure for receiving
18 mailed requests for the extension of driver's licenses as described
19 in this section.

20 SEC. 6. Section 15201.1 is added to the Vehicle Code, to read:
21 15201.1. A commercial driver's license applicant shall
22 include in the application the applicant's social security number to
23 the extent that the inclusion of that number is required in order to
24 be in compliance with Section 383.153 of Subpart J of Part 383 of
25 Title 49 of the Code of Federal Regulations.

26 SEC. 7. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

